

Democracy and Islam in Jordan, 1989-2019: Volume II

Reluctant Liberalisation

Jordan: A Democratic Audit

1989-2019



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عدلي الهوّاري

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Updated Appraisal: 2011-2019

In the following pages, I shall re-ask the fifteen overarching questions, and restate the marks given by the twenty four assessors and six experts. I shall then give my assessment of the extent of change during 2011-2019.

1. Citizenship, Law and Rights

1.1. Nationhood and Citizenship

Q1S: Is there public agreement on a common citizenship without discrimination?

Marks: 1; 2; 2; 2; 3; 3; 3; 3; 4; 4; 4; 5; 5; 5; 5; 5; 6; 6; 6; 8; 8; 9; 10; 10; (Mean: 5).

Q7L: 2; 2; 5; 6; 7; /; (Mean: 4.4).

Because of the conflict in Syria, the frequent arguments regarding the Jordanian of Palestinian descent receded. Jordan received hundreds of thousands of Syrian refugees. Therefore, it cannot be ruled out that some of them will not return to Syria when conditions in Syria permit. Those who choose to remain in Jordan may do so legally and illegally. Consequently, they may become part of the frequent debates about identity and citizenship I discussed in a previous chapter.

The numbers published by UNHCR (2018) indicate that there are ‘more than 655,000 Syrian men, women, and children

[...] 80% of them live in urban areas. More than 139,000 live in al-Zaatari and al-Azraq camps”. According to UNHCR, “the Jordanian Ministry of Labour issued 30,000 work permits for Syrian refugees”. The permit enables the refugee to leave the camp for one month. He/she then has to return to renew the permit.

Although, theoretically, the presence of a large number of Syrians in Jordan could in the future worsen the debates about citizenship and identity, it may as well contribute to the acceptance of the concept of citizenship that is not based on race, ethnicity or national origin.

1.2. Rule of Law and Access to Justice

Q2S: Are state and society consistently subject to the law?

Marks: 1; 2; 2; 2; 3; 4; 4; 5; 5; 5; 5; 6; 6; 6; 7; 7; 7; 7; 8; 8; 9; 9; 10; 10; (Mean: 5.8).

Q14L: 3; 6; 6; 6; 6; /; (Mean: 5.4);

A constitutional court was established. This was one of the measures recommended by a committee formed in 2011 to review the articles of the constitution. The court consists of nine judges for a term of six years.

In 2016, a constitutional amendment was adopted. It gave the king more powers that made him the only decision-maker concerning several important issues. Before the amendment, article 40 stated: “The King shall exercise the powers vested in Him by Royal Decrees. Any such Decree shall be signed by the Prime Minister and the Minister or Ministers concerned. The King expresses his concurrence by placing his signature above the signatures of the other ministers.”

After the amendment, article 40 reads: (2) Notwithstanding the provisions of paragraph (1) of this Article, the King exercises his powers alone in the following: (a) Crown Prince (b) Viceroy (c) Chairman and members of the Senate (d) Chairman and

members of the Constitutional Court (e) President of the Judicial Council. (f) Army Commander, Intelligence Chief and Director of the Gendarmerie

Another amendment allows the appointment of those who have dual citizenship in high-ranking positions. Ubaydat (2016) believes that: “the amendments of 2016 indicate that the king intends to continue to monopolize power and his retreat from the democratic discourse that followed the amendments” implemented in 2011.

The former Justice Minister Muhammad al-Hammouri, criticized this amendment and considered to be in total contradiction with the rules of the constitution”. The justification for this amendment was to “benefit from the expertise of such Jordanians,” Al-Hammouri rejects this and says it is unacceptable, because there are so many single nationality Jordanians with expertise, about whom nobody cares”.

1.3. Civil and Political Rights

Q3S: Are civil and political rights equally guaranteed for all?

Marks: 1; 1; 2; 2; 2; 3; 4; 4; 4; 4; 5; 5; 5; 5; 5; 6; 6; 7; 7; 7; 8; 8; 8; 10; (Mean: 5).

Q19L: 3; 5; 5; 7; /; /; (Mean: 5).

In 2014, the Jordanian government responded partly to the demands of Jordanian women married to non-Jordanians to give their sons and daughter Jordanian citizenship. It adopted certain measures that enable the sons and daughters to get identity cards and driving licences. Until 2018, these ‘facilities’ were conditional upon the mother having lived in Jordan for five consecutive years. In 2018, this condition was removed. HRW (2018) indicated that obstacles remained despite some improvement.

In March 2016, the government published “The Comprehensive National Plan for Human Rights, 2016-2025”.

Its first goal is the “to develop the laws to make that more in line with the constitution and international conventions on human rights which were ratified by Jordan”.

In 2017, an article was removed from the criminal law which refrained from punishing a rapist if he agrees to marry his victim.

1.4. Economic and Social Rights

Q4S: Are economic and social rights equally guaranteed for all?

Marks: 1; 1; 3; 3; 3; 3; 4; 4; 4; 4; 5; 5; 5; 6; 6; 7; 7; 7; 8; 8; 8; 8; 9; 9; (Mean: 5.3).

Q26L: 4; 5; 6; 7; 8; /; (Mean: 6).

The national plan for human rights mentions the economic, social and cultural rights. It sets five goals in this regard: to reinforce and protect the right to work; health; educations; cultural rights of segments of society such as minorities; clean environment and development.

The state of the economy in Jordan at present is the main source of concern for the vast majority of people. Mass protests against the attempt of al-Mulqi’s government led to his removal. The optimism that prevailed after appointing al-Razzaz expired quickly.

2. Representative and Accountable Government

2.1. Free and Fair Elections

Q5S: Do elections give the people control over governments and their policies?

Marks: 0; 0; 0; 1; 1; 1; 2; 2; 2; 2; 2; 2; 3; 3; 3; 5; 5; 5; 5; 5; 5; 6; 7; 7; (Mean: 3.1).

Q33L: 1; 2; 2; 2; 2; 3; (Mean: 2).

No change in this regard. Prime ministers are still appointed as before. During 2011-2019, cabinets were formed by Awn al-Khasawneh, Fayez al-Tarawneh, Abdullah al-Nsour, Hani al-Mulqi, and Omar al-Razzaz.

Al-Khasawneh's government did not last long. He wanted to be a PM with full authority, namely that the Royal Court and the GID should not interfere with his work. There were press reports that he also entered into dialogue with the MB/IAF. This was not in line with the attitude of other departments of the government. After six months, he sent his resignation while visiting Turkey.

Al-Nsour's government increased the prices of petroleum products and cooking gas canisters. Before he was appointed as PM, al-Nsour criticized previous governments and the King's suggestion that there should be 3-4 big, strong parties. (See section 2.2 on the role of political parties). However, during his premiership, there was no improvement in the situation of political parties, and he did not change the election law. He increased prices and defended the decision. It was also during his premiership that a constitutional amendment was adopted to give the king the sole authority to appoint and dismiss members of the HoN, judges, and the chiefs of the army, intelligence and Darak.

Al-Mulqi's government imposed more economic measures that worsened the ability of limited income citizens to afford necessities and basics. His measures included imposing taxes on medicines and books. The tax on these, in particular, was vehemently opposed and caused widespread disaffection to the extent that it led the king to intervene to cancel it. Al-Mulqi's government later attempted to adopt a tax law. It was vehemently opposed by protests and sit-ins that led to the dismissal of his government.

Before al-Mulqi was dismissed, there were rumours that Omar al-Razzaz would be the new PM. When the news was confirmed, there was some optimism that his approach would be different from his predecessors. This was unfounded optimism. Al-Razzaz was a minister in al-Mulqi's cabinet and had a senior

post in the World Bank. The optimism dissipated quickly because the individuals change but the policies remain. Al-Razzaz sent delegations to various governorates in the country to explain the tax law he wanted to adopt. Members of his delegations saw for themselves the extent of public anger. The audience in some governorates did not allow the delegations to speak.

2.2. The Democratic Role of Political Parties

Q6S: Does the party system assist the working of democracy?

Marks: 1; 2; 2; 2; 2; 3; 3; 4; 4; 5; 5; 5; 5; 5; 5; 5; 6; 6; 6; 6; 7; 7; 9; 9; 10; (Mean: 5).

Q39L: 0; 2; /; /; /; /; (Mean: 1).

The requirements to establish a political party were made easier in 2015. One of the old requirements was to have 500 founding members from five different governorates. The number was reduced to 150 and could be from one governorate. The minimum age of a founding member was also reduced from 21 to 18.

The election law was changed to satisfy the parties that objected for many years to the principle of a single vote in a multi-seat constituency. The new law adopted the principle of an open, proportionate list (slate). This means that in a multi-seat constituency, like-minded candidates form a slate. Voters can vote for a whole slate or individual candidates from competing slates.

The Islamic trend, represented by the MB/IAF was inflicted with internal disputes that led to the departure of some of its prominent members, such as Rohile Gharaybeh, former vice president of IAF. The group launched the “national initiative for construction”. It is often referred to as the Zamzam initiative, named after the hotel where the meeting was held (but also after the water spring in the holy mosque in Mecca).

In October 2013, the initiative was publicized in a conference held at the Royal Cultural Centre in Amman. According

to information published by the Ministry of Political and Parliamentary Affairs, a party was registered under the name of the National Conference Party (Zamzam) on 11 August 2016. The secretary-general of the party is Rohile Gharaybeh. As of early November 2019, there were forty-eight parties registered in Jordan.

Despite the presence of many parties, the political milieu in which they operate is restricted. This large number of weak/strong parties would mean governments would have to be formed by coalitions in the event of a democratic milieu.

2.3. Effective and Responsive Government

Q7S: Is government effective in serving the public and responsive to its concerns?

Marks: 1; 2; 2; 3; 4; 4; 4; 5; 5; 5; 5; 5; 5; 6; 6; 6; 6; 6; 7; 7; 7; 7; 7; 8; 9; (Mean: 5.3).

Q46L: 1; 3; 3; 5; /; /; (Mean: 3).

It is fair to say that the government is less effective and less responsive to the concerns of the citizens. Protests at governments' decisions are back. The protests led to the dismissal of al-Mulqi's government. The strike of the teachers shook the government of al-Razzaz, as the strike developed into the longest ever in Jordan. The government agreed to the demands of the teachers, after initially deploying force, and trying various ways to pressurize the teachers to abandon the strike, including complaints from parents that they are concerned that the children are losing out due to the strike.

The state of the economy is at present the main source of tension between the people and the government, which says it is trying to deal with the external debts, while the people believe corruption is the source of deterioration in economic conditions.

In one of the events organized by the government to explain the proposed tax law, getting a job was the most important

demand. Indirect taxes, such as those imposed on topping up a mobile phone, are paid by everyone, including the poor. Official statistics (2018) show that the unemployment rate in the second quarter was 18.7%. A report by the General Statistic Departments indicates that women's unemployment rate is 26.8%. That of men increased by 3.2% compared with the second quarter in 2017.

2.4. The Democratic Effectiveness of Parliament

Q8S: Does the parliament or legislature contribute effectively to the democratic process?

Marks: 0; 1; 2; 2; 2; 3; 3; 4; 4; 5; 5; 5; 5; 5; 5; 5; 6; 6; 6; 6; 7; 7; 9; 9; (Mean: 4.7).

Q55L: 1; 2; 2; 3; 5; 8; (Mean: 3.5).

Parliament is still the weakest branch of government. The judgement is supported by the quick approval in 2016 of the constitutional amendments that gave the king the sole power to appoint and dismiss members of the HoN, the heads of the constitutional court, the army, intelligence, and darak.

Individual MPs, however, try to hold the government to account, by submitting written questions or raising issues, such as that of the tobacco scandal, which eventually led to uncovering a huge case of corruption.

During 2011-2019, there were two parliamentary elections; one took place in 2013, and the second in 2016. In 2013, the number of registered voters was 2,272,182. Those who voted were 1, 288, 043, which is equivalent to 57%.